

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

LARRY E. EALY,

Plaintiff(s),

vs.

WALTER H. RICE, et al.,

Defendant(s).

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Case Number: 3:09cv100

Chief Judge Susan J. Dlott

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Sharon L. Ovington. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on April 3, 2009 a Report and Recommendation (Doc. 5). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 8).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

Accordingly, Plaintiff Larry E. Ealy's complaint is **DISMISSED** *sua sponte* under 28 U.S.C. §1951(e)(2)(B); Plaintiff's motion for removal of case (Doc. 4) is **DENIED AS MOOT**; the Court certifies pursuant to 28 U.S.C. §1915(a)(3) that an appeal of this order adopting the

Report and Recommendation will not be taken in good faith, and consequently, leave for plaintiff to appeal *in forma pauperis* is **DENIED**. This case is **TERMINATED** from the docket of this Court.

IT IS SO ORDERED.

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s/Susan J. Dlott

Chief Judge Susan J. Dlott
United States District Court